REMARKS

Claims 1-52 are pending in the application. Claims 1-52 stand rejected. Claims 1, 10, 15, 24, 32, 40, 48, 49 and 51 have been amended. In light of the amendments made to the claims and the following remarks, Applicant respectfully requests that the rejection be withdrawn and the application be considered for allowance.

Claims 1-52 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that the phrases "single request" and "single communication request," present in claims 1, 10, 15, 24, 32, 40 and 48, do not appear in the written specification. While Applicant contends that these terms are fully supported in the written description, nevertheless, to expedite prosecution, claims 1, 10, 15, 24, 32, 40 and 48 have been amended to include, in each case, a "request." As the Examiner points out, the term "request" was used in the originally filed claims and is therefore not considered new matter. Office Action, p. 2. Accordingly, this rejection has been overcome.

Claims 1, 15, 24, 32 and 48 stand objected to because the phrase "said single communication request" has no antecedent basis. As noted, claims 1, 15, 24, 32 and 48 have been amended to include the term "request" in place of the phrase "single communication request," which overcomes this objection.

Claims 1-14 and 24-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent number 6,314,455 to Cromer et al ("Cromer") in view of U.S. Patent number 5,230,052 to Dayan et al. ("Dayan"). Applicant respectfully traverses the rejection.

Claim 1 of the application recites a method of recovering from a corrupt computer system BIOS. The method includes, *inter alia*, "determining whether a BIOS of a computer system is corrupt...[and,] if said BIOS is corrupt, initializing components in a boot block of said computer system sufficient to establish a communications connection with a recovery server ..., communicating to said recovery server by sending system information to said recovery server in a request for an uncorrupted BIOS, [and] in response to said request to said recovery server, downloading an uncorrupted version of said BIOS from said recovery server based on said system information." Each step of the method occurs "during one boot cycle." Both the

detection of a corrupt BIOS and the downloading and programming of an uncorrupted BIOS occur during the same boot cycle, meaning that the computer system is only rebooted after completion of both the detection and the programming steps of the method recited in claim 1. *See* Application, ¶¶ 11-13, FIG. 1.

Cromer discloses a data processing system and method for addressing errors in a computer's boot block "for permitting a server computer system to remotely initiate a boot block recovery." Cromer, col. 2, lines 33-36. The method disclosed by Cromer requires that a computer with a corrupted boot block reboot at least once before downloading a recovery flash image from a recovery server. Cromer, FIG. 4, ref. no. 420. Initially, upon determination of a boot block error, the computer "transmits an error condition to the server" and then receives "an information packet from the server which sets [an] image recovery bit." Cromer, col. 6, lines 48-57; Fig. 4, ref. nos. 412, 418. The computer then resets itself and reboots. Cromer, Fig. 4, ref. nos. 420, 402. After rebooting, detection of the image recovery bit induces the computer to "log-on ... to the server over the network. Cromer, col. 6, lines 59-62; Fig. 4, ref. nos. 403, 404, 422. The computer then receives a recovery flash image during the second connection to the server. Cromer, col. 6, lines 62-63; Fig. 4, ref. no. 424. Thus, in order to perform a boot block recovery, Cromer requires that a computer with a corrupted boot block reboot before downloading a recovery image instead of performing a full recovery session during a single boot cycle. Because claim 1 of the application recites a computer system that detects a corrupted BIOS and downloads an uncorrupted BIOS "during one boot cycle," Cromer fails to disclose all of the limitations of claim 1.

Dayan is directed to a method for "loading BIOS into a [local area network, or] LAN station from a remote memory storage where the BIOS code is maintained apart from the LAN station." Dayan, col. 4, lines 10-13. Dayan teaches the downloading of a BIOS image in response to a single request for a BIOS image. Dayan, col. 7, lines 63-68; col. 8, lines 1-2. However, Dayan does not teach the testing of a pre-loaded BIOS to determine the need for an uncorrupted BIOS. Although Dayan does test for "hardware compatibility and proper system configuration," Dayan does not test the system BIOS. Dayan, col. 7, lines 15-33. Consequently, Dayan fails to address the shortcomings of Cromer. Dayan adds nothing to Cromer's failure to

show the detection of a corrupt BIOS and the downloading and programming of an uncorrupt BIOS during the same boot cycle.

For at least the above-stated reason, claim 1 is allowable over Cromer and Dayan. Claims 2-9 depend from claim 1. Because dependent claims include all the limitations of the respective independent claims, claims 2-9 are also allowable over Cromer and Dayan for at least the above-stated reason.

Claim 10 recites a method of recovering from a corrupt computer system BIOS that includes, *inter alia*, "determining whether a computer system BIOS is corrupt, [and] if said BIOS is corrupt, receiving at a server a request for an uncorrupted version of said BIOS transmitted by a computer system with a corrupted version of said BIOS detected during startup." In response to said request, an uncorrupted version of said BIOS is transmitted to said computer system." All steps in the recited method occur "during one boot cycle." Because Cromer recites a method of recovering from a corrupt boot block that requires at least one reboot between the detection of a corrupt BIOS and the transmission of an uncorrupted BIOS, Cromer does not disclose all the limitations of claim 10. Because Dayan fails to remedy the shortcomings of Cromer, as explained above, claim 10 is allowable over the combination of Cromer and Dayan. Claims 11-14 depend from claim 10 and are thus also allowable over the combination of Cromer and Dayan for at least the stated reason.

Claims 24, 32, 40 and 48 recite systems for recovering from a corrupted computer system BIOS. The systems each include a processor that, "in response to detecting a corrupt version of said BIOS during startup and during the same boot cycle in which the corrupt version of said BIOS was detected, executes [a] BIOS recovery program." Because Cromer requires at least one reboot after detection of a corrupt BIOS but before downloading an uncorrupted BIOS, Cromer does not disclose all the limitations of claims 24, 32, 40 and 48. As explained above, Dayan fails to correct the shortcomings of Cromer. Claims 24, 32, 40 and 48, then, are allowable over the combination of Cromer and Dayan. Claims 25-31, which depend from claim 24, are also allowable over Cromer and Dayan for at least the stated reason. Similarly, claims 33-39, which depend from claim 32, are allowable over Cromer and Dayan for at least the stated

reason. Claims 41-47, which depend from claim 40, are also allowable over Cromer and Dayan for at least the stated reason.

In consideration of the above-stated reasons, the Examiner is respectfully requested to withdraw the rejection of claims 1-14 and 24-48 over the combination of Cromer and Dayan.

Claims 15-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer in view of Japanese Patent No. JP409258965A to Aoki ("Aoki") and Dayan. Applicant respectfully traverses the rejection.

Claim 15 recites a method for recovering from a corrupt BIOS that includes "during one boot cycle, checking whether a BIOS of said computer system is corrupt ...[and] receiving an uncorrupted version of said BIOS ... at said computer system." As stated above, Cromer teaches a recovery method that requires at least one reboot between the detection of a corrupt BIOS and the receiving of an uncorrupted version of the BIOS. As such, Cromer fails to teach every limitation of claim 15. Similarly, as stated above, Dayan fails to remedy the inadequacies of Cromer with regards to the teaching of a BIOS detection and recovery system occurring during one boot cycle, as recited by claim 15. Aoki also fails to remedy the inadequacies of Cromer. Aoki teaches an update function that allows a host station to transmit "an update program obtained by previously changing the operation and the version of the program to the base station." Aoki, Abstract. In other words, Aoki teaches the transmission of an update program. Aoki fails, however, to show how the method of Cromer, which requires a reboot after detection of a corrupt BIOS but before downloading and programming an uncorrupted BIOS, can be reduced to a method that completes both detection of a corrupt BIOS and programming of an uncorrupt BIOS during one boot cycle. As such, Aoki does not cure the inadequacies of Cromer and Dayan, and claim 15 is allowable over the combination of Cromer, Aoki and Dayan. Claims 16-23 depend from claim 15. Because dependent claims include all the limitations of the respective independent claims, claims 16-23 are allowable for at least the same reason that claim 15 is allowable. The Examiner is respectfully requested to withdraw the rejection.

Claims 49 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer in view of Dayan, as applied to claim 1 above, and further in view of U.S. Patent

number 5,319,519 to Sheppard et al. ("Sheppard"). Applicant respectfully traverses the rejection.

As stated above, claim 1 is allowable over the combination of Cromer and Dayan because neither Cromer nor Dayan disclose a method for updating a corrupt BIOS during one boot cycle. Sheppard is relied upon by the Examiner for teaching alternative methods for BIOS recovery when a network connection is not available. Office Action, pp 21-23. However, Sheppard fails to show how the two-step BIOS recovery method of Cromer can be reduced to the recovery method of claim 1 that occurs during one boot cycle. As such, claims 49 and 50, which depend from claim 1, are allowable over the combination of Cromer, Dayan and Sheppard. Claim 49 has been amended to be consistent with the language of claim 1. The Examiner is respectfully requested to withdraw the rejection.

Claims 51 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer in view of Aoki and Dayan as applied to claim 15 above, and further in view of Sheppard. The rejection is traversed.

As stated above, claim 15 is allowable over the combination of Cromer, Aoki and Dayan because neither Cromer, Aoki nor Dayan disclose a method for updating a corrupt BIOS during one boot cycle. As before, Sheppard is relied upon by the Examiner for teaching alternative methods for BIOS recovery when a network connection is not available. Office Action, pp 23-25. However, Sheppard fails to show how the two-step BIOS recovery method of Cromer can be reduced to the recovery method of claim 15 that occurs during one boot cycle. As such, claims 51 and 52, which depend from claim 15, are allowable over the combination of Cromer, Aoki, Dayan and Sheppard. Claim 51 has been amended to be consistent with the language of claim 15. The Examiner is respectfully requested to withdraw the rejection.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By _____

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